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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,162	01/18/2002	Jun-ichi Yamato	ND-415US	7609

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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,162	YAMATO ET AL.	
	Examiner	Art Unit	
	Chris Parry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/01/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: On page 13, line 16, "18" should be --13-- and on page 63, line 10, "the recorded" should be --The recorded--.

Appropriate correction is required.

Claim Objections

3. Claim 5 is objected to because of the following informalities: On page 69, line 16, "based on the conditions" should be --based on conditions--. Appropriate correction is required.
4. Claim 8 is objected to because of the following informalities: On page 70, line 19, "with the conditions" should be --with conditions--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 recites the limitation “**A program for causing a computer to execute the steps of**” that is functional descriptive material (i.e. computer program). A computer program not claimed as embodied in a computer-readable medium are descriptive material per se are not statutory because they are not capable of causing functional change in the computer. The computer program does not define any structural and functional interrelationships between the data and other claimed aspects of the invention, which permit the computer program’s functionality to be realized. In contrast, a claimed **computer-readable medium encoded with a computer program** is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, which permit the computer programs functionality to be realized.

Claim 12 recites the limitation “**A program for causing a computer to execute the steps of**” that is functional descriptive material (i.e. computer program). A computer program not claimed as embodied in a computer-readable medium are descriptive material per se are not statutory because they are not capable of causing

Art Unit: 2623

functional change in the computer. The computer program does not define any structural and functional interrelationships between the data and other claimed aspects of the invention, which permit the computer program's functionality to be realized. In contrast, a claimed **computer-readable medium encoded with a computer program** is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, which permit the computer programs functionality to be realized.

Claims 11 and 12 appear to be claiming a computer program per se. Since the computer program is not embodied on the computer readable medium, there is no interrelationship between the program and the computer. Therefore, the functionality of the program will not be realized. Further, claims 11 and 12 seek the patent protection for a computer readable program in the abstract.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2623

7. Claims 1, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. "Wood" (U.S. 2003/0044165).

Regarding Claim 1, Wood discloses a program processing apparatus (figure 1), comprising: electronic program guide acquisition means (103 – figure 1) for acquiring an electronic program guide (§ 27). Wood discloses channel guide data source 109 provides periodic updates to the local channel guide database 103.

Wood teaches, condition determination means (104 – figure 1) for determining a condition of each of programs to be displayed on the electronic program guide (§ 29). Further disclosed, the criteria database stores user specified criteria for selection of shows for recording (§ 43). Also, programs that are to be recorded have a single dot displayed next to the title as shown for "Scooby Doo" in figure 8.

Wood teaches, electronic program guide displaying means (112 – figure 1) for displaying the electronic program guide in a display form wherein the electronic program guide reflects the conditions of the programs determined by said condition determination means (§ 34). Wood discloses in figures 8 and 9, the program guide is displayed with condition data. For example figure 8 shows "Scooby Doo" is set to be recorded once as shown by a single dot next to the title (§ 50) and figure 9 shows "Scooby Doo" is set to have all episodes recorded as shown by two dots next to the title (§ 51).

Wood teaches, program processing means (101 – figure 1) operable in response to selection, by a user, of one of the programs included in the electronic program guide displayed by said electronic program guide displaying means for executing a program process in accordance with the condition of the selected program (§ 26 and 29). Wood discloses when processor 101 discovers a recording match between the program guide stored on channel database 103 and criteria database 104, the processor causes the video input signals to be recorded on video storage 105.

Regarding Claim 8, Wood discloses a program processing system (figure 1) for performing a program process using an electronic program guide, comprising: a program processing apparatus for executing a program process (§ 24). Wood discloses in figure 1 a video data recorder or “program processing apparatus” that comprises a processor 101, a channel guide database 103, a criteria database 104, a video storage 105, program logic memory 102, a video compressor/decompressor 112, and a user interface 108 (§ 25).

Wood teaches, an electronic program guide preparation server (109 – figure 1) for preparing an electronic program guide (§ 27). Wood discloses channel guide data could be provided from TV Guide, TV Data, or Tribune media which all must have a server to prepare an electronic program guide.

Wood teaches, program processing apparatus (VDR – figure 1) including reception means (103 – figure 1) for receiving an electronic program guide from said

Art Unit: 2623

electronic program guide preparation server (109 – figure 1) and displaying means (101,112 – figure 1) for preparing an electronic program guide of a display form modified in accordance with the conditions of the programs to be displayed on the electronic program guide and displaying the prepared electronic program guide (§§ 33-34). Wood discloses figures 8 and 9 the display of EPGs that include condition data. Figure 8 shows “Scooby Doo” is set to record by displaying a single dot next to the title (§ 50), while figure 9 shows “Scooby Doo” is set to record the series by displaying two dots next to the title (§ 51).

Regarding Claim 12, Wood discloses a program (102 – figure 1) for causing a computer to execute the steps of: receiving an electronic program guide through a communication network (§ 27).

Wood teaches, displaying the received electronic program guide (figure 7; § 36).

Wood teaches, executing a program process in response to selection of one of the selection sections displayed on the electronic program guide (figures 8-9; §§ 50-51).

8. Claims 2 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al. “Arsenault” (U.S. 6,971,119).

Regarding Claim 2, Arsenault discloses a program processing system (20 – figure 1) for performing a program process using an electronic program guide,

comprising: a program processing apparatus (64 – figure 3) for executing a program process (Col. 9, lines 29-33).

Arsenault teaches, an electronic program guide preparation server (46 – figure 2) for preparing an electronic program guide (Col. 5, lines 50-55).

Arsenault teaches, said electronic program guide preparation server (26 – figure 2) including reception means for receiving data regarding programs through a communication network (24 – figure 2; Col. 5, lines 56-61), determination means for determining a condition of each of the programs based on the data regarding the programs (Col. 16, lines 3-17), electronic program guide preparation means (48 – figure 2) for preparing an electronic program guide of a modified display form wherein a selection section for performing a process in accordance with the condition of each of the programs is displayed (142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4), and transmission means (42 – figure 2) for transmitting the prepared electronic program guide to said program processing apparatus (Col. 6, lines 24-30). Arsenault discloses the broadcaster (26 – figure 2) may determine from the received programming information, that a specific premium movie that is scheduled should be recorded into cache memory 92 without the viewer's prior request in order to allow a viewer to choose when to watch the premium movie (Col. 16, lines 9-17). A broadcaster can provide an indicator [144] to indicate to the user that the broadcaster determined this program should be recorded to cache memory 92 as shown in figure 7. Further, database 48 or "electronic program guide preparation means" prepares a program guide that is formatted with display indicators 142/144 that notify the user of recordings that have

been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on "a selection section for performing a process in accordance with the condition of each of the programs is displayed".

Arsenault teaches, program processing apparatus (64 – figure 3) including electronic program guide displaying means (74 – figure 3) for displaying the electronic program guide received through said communication network (Col. 10, line 44 – Col. 11, line 9) and program processing means (80 – figure 3) operable in response to selection of one of the selection sections displayed on the electronic program guide for executing a program process corresponding to the selected selection section (Col. 12, lines 54-57). Arsenault discloses CPU 74 uses the received and stored program guide data in memory 78 to prepare for display the program guide on television 66. Further, Arsenault discloses logic 80 receives user selections and commands from remote control 86 and forwards the commands to CPU 74 so the commands can be executed. So, a viewer can use remote control 86 to select a cached program for viewing by selecting one of the cells 141 on cache channels 140 as shown in figure 7. Logic 80 in response to the selection of one of cell 141 or "selected section" will forward the selection data to CPU 74. Next, CPU 74 will locate the MPEG data file in additional cache memory 92 containing the selected program and output the program to D/A converter 72 in order for the analog signal to be displayed on television 66 (Col. 17, lines 4-18).

Regarding Claim 11, Arsenault discloses a program for causing a computer to execute the steps of: receiving an electronic program guide regarding a program through a communication network (Col. 5, lines 56-63).

Arsenault teaches, determining a condition of each of programs based on data regarding the programs (Col. 16, lines 3-17). Arsenault discloses the broadcaster (26 – figure 2) may determine from the received programming information, that a specific premium movie that is scheduled should be recorded into cache memory 92 without the viewer's prior request in order to allow a viewer to choose when to watch the premium movie (Col. 16, lines 9-17). A broadcaster can provide an indicator [144] to indicate to the user that the broadcaster determined this program should be recorded to cache memory 92 as shown in figure 7.

Arsenault teaches, preparing an electronic program guide of a modified is display form wherein a selection section for performing a process in accordance with the condition of each of the programs is displayed, and transmitting the prepared electronic program guide toward the communication network (142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4). Disclosed database 48 prepares a program guide that is formatted with display indicators 142/144 notify the user of recordings that have been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on “a selection section for performing a process in accordance with the condition of each of the programs is displayed”.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al. "Arsenault" (U.S. 6,971,119) in view of Ellis et al. "Ellis" (U.S. 6,898,762).

As for Claim 3, Arsenault fails to disclose, wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 4, Arsenault fails to disclose wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or “privacy level” for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user’s defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Ellis in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault in view of Hatano (U.S. 6,951,031).

Regarding Claim 5, Arsenault discloses a program processing system (20 – figure 1) for performing a program process using an electronic program guide, comprising: a program processing apparatus (64 – figure 3) for executing a program process (Col. 9, lines 29-33).

Arsenault teaches, an electronic program guide preparation server (46 – figure 2) for preparing an electronic program guide (Col. 5, lines 50-55).

Arsenault teaches, said electronic program guide preparation server (26 – figure 2) including electronic program guide preparation means for preparing an electronic program guide...(142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4), and transmission means (42 – figure 2) for transmitting the electronic program guide prepared by said electronic program guide preparation means (Col. 6, lines 24-30). Disclosed database

48 prepares a program guide that is formatted with display indicators 142/144 notify the user of recordings that have been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on “a selection section for performing a process in accordance with the condition of each of the programs is displayed”.

Arsenault teaches, program processing apparatus (64 – figure 3) including displaying means (74 – figure 3) for displaying an electronic program guide of a display form modified based on the conditions of the programs to be displayed on the electronic program guide received from said electronic program guide preparation server (figure 7; Col. 10, line 44 – Col. 11, line 9) and program processing means (80 – figure 3) for executing a program process in accordance with the conditions of the programs...in accordance with an instruction of a user (Col. 12, lines 54-57). Arsenault discloses CPU 74 uses the received and stored program guide data, including indicators 142/144 or “condition data”, in memory 78 to prepare for display the program guide on television 66. Further, Arsenault discloses logic 80 receives user selections and commands from remote control 86 and forwards the commands to CPU 74 so the commands can be executed. So, a viewer can use remote control 86 to select a cached program for viewing by selecting one of the cells 141 on cache channels 140 as shown in figure 7. Logic 80 in response to the selection of one of cell 141 or “selected section” will forward the selection data to CPU 74. Next, CPU 74 will locate the MPEG data file in additional cache memory 92 containing the selected program and output the program to D/A

converter 72 in order for the analog signal to be displayed on television 66 (Col. 17, lines 4-18).

However, Arsenault fails to disclose where the electronic program guide preparation server including electronic program guide preparation means for preparing an electronic program guide in which a link to be handled by said program processing apparatus is embedded and program processing means for executing a program process in accordance with the conditions of the programs using the link embedded in the electronic program guide in accordance with an instruction of a user.

In an analogous art, Hatano teaches, the electronic program guide preparation server (1 – figure 2) including electronic program guide preparation means (11 – figure 2) for preparing an electronic program guide in which a link to be handled by said program processing apparatus is embedded (Col. 5, line 65 – Col. 6, line 16).

Hatano further teaches, program processing means (2 – figure 4) for executing a program process in accordance with the conditions of the programs using the link embedded in the electronic program guide in accordance with an instruction of a user (Col. 7, lines 12-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Hatano in order to facilitate preparing an electronic program guide in which a link to be handled by said program processing apparatus is embedded for the benefit of updating the recording

information when the broadcast time of a scheduled program changes (Hatano – Background).

12. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault in view of Hatano as applied to claim 5 above, and further in view of Ellis.

As for Claim 6, the combination of Arsenault and Hatano fail to disclose the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or “privacy level” for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user’s defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault and Hatano with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether

or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 7, the combination of Arsenault and Hatano fail to disclose, wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or “privacy level” for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user’s defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault and Hatano with the teachings of Ellis

Art Unit: 2623

in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

13. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Ellis.

As for Claim 9, Wood fails to disclose, wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or “privacy level” for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user’s defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault and Hatano with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 10, Wood fails to disclose, wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or “privacy level” for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user’s defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wood with the teachings of Ellis in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Note to Applicant

14. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CR

May 23, 2006


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800